

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

CLERK'S OFFICE  
U.S. DISTRICT COURT, No. 02-1213

- against -

★ NOV - 4 2005 (Hurley, J.)

SHAHRAM ZARNIGHIAN,

Defendant. LONG ISLAND OFFICE

11/9/05

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FINAL ORDER OF FORFEITURE

WHEREAS, on April 4, 2005, this Court entered a Preliminary Order of Forfeiture (the "Preliminary Order"), pursuant to 31 U.S.C. § 5317(c) and 21 U.S.C. § 853(p), wherein the defendant SHAHRAM ZARNIGHIAN agreed to forfeit to the United States of America all of his right, title and interest in the following assets: (i) one 2001 Lexus LX47 Wagon, VIN JTJHT00W0135032; (ii) one 2002 Mercedes Benz G500 truck, VIN WDCYR49E82X128988; (iii) approximately \$9,000.00 in United States currency, more or less, and all proceeds traceable thereto, seized from the defendant on October 23, 2002, at the real property and premises located at 1490 Franklin Avenue Mineola, New York; and (iv) any and all funds on deposit in M&T Bank accounts numbered 8890157202, 8890157210, 8891544549 and 9831325619, held in the name of Royal Palace of Great Neck, Zab, Inc., Royal Palace of Great Neck and Shahram Zarnighian, respectively, valued in the amount of approximately three hundred

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and fifteen thousand dollars and no cents in United States currency (\$315,000.00), and all proceeds traceable thereto (collectively referred to herein as the "Forfeited Assets"); as property involved in the defendant's violation of 31 U.S.C. § 5324(a)(3), and/or as property traceable thereto, and/or as substitute assets pursuant to 21 U.S.C. § 853(p); and

WHEREAS, in addition to the above Forfeited Assets, SHAHRAM ZARNIGHIAN also agreed to a forfeiture money judgment in the amount of eighty-one thousand dollars and no cents (\$81,000.00), pursuant to 31 U.S.C. § 5317(c) and 21 U.S.C. § 853; and

WHEREAS, legal notice of the Preliminary Order was published in the New York Post, a newspaper of general circulation in this district, on May 18, 2005, May 25, 2005, and June 1, 2005, and direct written notice was sent to third-party claimant M&T Bank on May 5, 2005; and

WHEREAS, on or about July 19, 2005, M&T Bank filed a petition and alleged an interest in funds on deposit in M&T Bank accounts numbered 8890157202, 8890157210, 8891544549 and 9831325619, held in the name of Royal Palace of Great Neck, Zab, Inc., Royal Palace of Great Neck and Shahram Zarnighian, respectively (hereafter, the "Forfeited Funds"); and

WHEREAS, with the exception of the above-referenced petition, no other claims or petitions have been filed in this

case, and the time for doing so has expired; and

WHEREAS, M&T Bank, by counsel, has signed a stipulation to dismiss the petition filed on July 19, 2005 with prejudice pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and Rule 41(a)(ii) of the Federal Rules of Civil Procedure.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that all right, title and interest in the Forfeited Assets is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law as property involved in the defendant's violation of 31 U.S.C. § 5324(a)(3), and/or as property traceable thereto, and/or as substitute assets pursuant to 21 U.S.C. § 853(p); and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Department of Treasury and all of its duly authorized agents and/or contractors are hereby authorized to seize and dispose of the Forfeited Assets in accordance with all laws and regulations; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the United States District Court for the Eastern District of New York shall retain jurisdiction in the case for the purpose of enforcing the Preliminary Order and this Final Order of Forfeiture and any supplemental final orders of forfeiture as may be necessary; and

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IT IS FURTHER ORDERED, ADJUDGED and DECREED that, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, this Final Order of Forfeiture shall become final as to the defendant SHAHRAM ZARNIGHIAN and at the time of sentencing shall be made part of the defendant's sentence and included in his judgment of conviction; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Clerk of the Court shall forward five certified copies of this Final Order to the United States Attorney's Office, 610 Federal Plaza, 5<sup>th</sup> Floor, Central Islip, New York 11722, Attn: Assistant U.S. Attorney Richard T. Lunger.

Dated: Central Islip, New York  
November 4, 2005

~~HONORABLE DENIS R. HURLEY~~  
HONORABLE DENIS R. HURLEY  
UNITED STATES DISTRICT JUDGE